

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|   |   |  |
|---|---|--|
| <b>CAROL MONTGOMERY o/b/o</b>           | ) |  |
| <b>KENDERICK MONTGOMERY,</b>            | ) |  |
|   | ) |  |
| <b>Plaintiff,</b>                       | ) |  |
|   | ) |  |
| <b>vs.</b>                              | ) | <b>Civil Action No. 2:07-0738-KD-B</b> |
|   | ) |  |
| <b>MICHAEL J. ASTRUE,</b>               | ) |  |
| <b>Commissioner of Social Security,</b> | ) |  |
|   | ) |  |
| <b>Defendant.</b>                       | ) |  |

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated February 14, 2008, recommending that plaintiff's complaint be dismissed as untimely, is **ADOPTED** as the opinion of this Court.

**DONE** this the 7<sup>th</sup> day of March, 2008.

s / Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**